

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**TWENTY-NINTH LEGISLATIVE DAY
MONDAY, FEBRUARY 6, 2012**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Pastor Gary Moore.

The Pledge of Allegiance was led by Cristian Magallon, Page.

Approval of Journal

February 6, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-sixth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

February 3, 2012

Mr. Speaker:

I transmit herewith enrolled [SJR 102](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [SJR 102](#) and, when so signed, ordered it returned to the Senate.

February 3, 2012

Mr. Speaker:

I return herewith enrolled [H 360](#), [H 361](#), and [H 362](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 360](#), [H 361](#), and [H 362](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 3, 2012

Mr. Speaker:

I transmit herewith [S 1226](#) and [S 1243](#) which have passed the Senate.

NOVAK, Secretary

[S 1226](#) and [S 1243](#) were filed for first reading.

February 3, 2012

Mr. Speaker:

I return herewith [H 357](#) and [H 363](#) which have passed the Senate.

NOVAK, Secretary

[H 357](#) and [H 363](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 6, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 32](#), [H 472](#), [H 473](#), [H 474](#), [H 475](#), [H 476](#), [H 477](#), and [H 478](#).

WILLS, Chairman

[HCR 32](#) and [H 476](#) were referred to the Environment, Energy, and Technology Committee.

[H 472](#), [H 473](#), and [H 474](#) were referred to the Transportation and Defense Committee.

[H 475](#) was referred to the Judiciary, Rules, and Administration Committee.

[H 477](#) was referred to the Local Government Committee.

[H 478](#) was referred to the State Affairs Committee.

February 6, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 395](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 395](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 6, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 391](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 391](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

[S 1226](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

[S 1243](#), by Transportation Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 394](#), by Education Committee, was read the second time by title and filed for third reading.

[S 1223](#), by Education Committee, was read the second time by title and filed for third reading.

[S 1257](#), [S 1258](#), and [S 1267](#), by Finance Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [H 366](#) be returned to the Revenue and Taxation Committee. There being no objection, it was so ordered.

Mrs. McGeachin asked unanimous consent that [H 388](#) be placed on General Orders for consideration. There being no objection it was so ordered.

Mr. Moyle asked unanimous consent that [H 393](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[HJM 7](#) - MEDAL OF HONOR

[HJM 7](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

The question being, "Shall [HJM 7](#) be adopted?"

Whereupon the Speaker declared [HJM 7](#) adopted by voice vote and ordered the memorial transmitted to the Senate.

[H 418](#) - PUBLIC EMPLOYEE RETIREMENT SYSTEM

[H 418](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lake to open debate.

The question being, "Shall [H 418](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that [H 418](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 371](#) - VETERANS SERVICES

[H 371](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bilbao to open debate.

The question being, "Shall [H 371](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, Ellsworth, Gibbs, Guthrie, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, McGeachin, Moyle, Nessel, Nonini, Pence, Raybould, Ringo, Roberts, Rusche, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 49.

NAYS – Barbieri, Barrett, Boyle, DeMordaunt, Eskridge, Hagedorn, Hart, Hartgen, Harwood, Marriott, McMillan, Nielsen, Palmer, Patrick, Perry, Schaefer, Shepherd, Sims(Ingram), Thayn, Thompson, Wood(35). Total – 21.

Total – 70.

Whereupon the Speaker declared that [H 371](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[HCR 31](#) - NATIONAL ELECTRIC CODE - RULE

[HCR 31](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black to open debate.

The question being, "Shall [HCR 31](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Chadderdon, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – Burgoyne, Chew, Ringo. Total – 3.

Total – 70.

Whereupon the Speaker declared [HCR 31](#) adopted and ordered the resolution transmitted to the Senate.

[H 383](#) - IDAHO OPPORTUNITY SCHOLARSHIP PROGRAM

[H 383](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cronin to open debate.

The question being, "Shall [H 383](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail,

Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker.
Total – 65.

NAYS – Barbieri, Barrett, Hart, Hartgen, McMillan.
Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 383](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 385](#) - COMMUNITY COLLEGES

[H 385](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Pence to open debate.

The question being, "Shall [H 385](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Anderson. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 385](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 386](#) - SCHOLARSHIPS

[H 386](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Marriott to open debate.

The question being, "Shall [H 386](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Marriott, McGeachin, Moyle, Nessel, Nielsen, Nonini, Palmer, Pence, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Barbieri, Barrett, Hart, Harwood, Luker, McMillan, Patrick, Perry. Total – 8.

Absent and excused – Anderson. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 386](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Lake, having voted on the prevailing side, served notice that he may ask for reconsideration of the vote by which [H 386](#) passed the House.

[H 386](#) was ordered held at the Desk.

[H 374](#) - ENGINEERS AND SURVEYORS

[H 374](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [H 374](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 65.

NAYS – Barbieri, DeMordaunt, Harwood, Wood(35).
Total – 4.

Absent and excused – Anderson. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 374](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 375](#) - PLATS AND VACATIONS

[H 375](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [H 375](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Anderson. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 375](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 437](#) - INCOME TAX CREDITS

[H 437](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall [H 437](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – Barrett, Luker, Thayne. Total – 3.

Absent and excused – Anderson. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 437](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 438](#) - INVESTMENT TAX CREDIT

[H 438](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harwood to open debate.

The question being, "Shall [H 438](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims(Ingram), Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Anderson. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 438](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Tuesday, February 7, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:06 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk